

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7841

GILBERT J. FENWICK,

Plaintiff - Appellant,

versus

SEWALL B. SMITH, Warden; OFFICER MAWAMBA,
CO II; OFFICER STEELE, CO II; OFFICER HARRIS,
CO II; OFFICER WILSON, CO II; JOSEPH MITCHELL,
CO III; KEVIN HERNANDEZ; JOHN DOES; REGINALD
JOHNSON, Sergeant; MARGARET C. CHIPPENDALE,
Hearing Officer; MARVIN REID, Lieutenant,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Alexander Williams, Jr., District Judge.
(CA-94-3158-AW)

Submitted: March 19, 1996

Decided: April 4, 1996

Before HALL and MURNAGHAN, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Gilbert J. Fenwick, Appellant Pro Se. John Joseph Curran, Jr.,
Attorney General, Audrey J.S. Carrion, OFFICE OF THE ATTORNEY
GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Gilbert J. Fenwick appeals from the district court's order denying relief under 42 U.S.C. § 1983 (1988). Our review of the record and the district court's opinion discloses that this appeal is without merit. Accordingly, we affirm substantially on the reasoning of the district court. Fenwick v. Smith, No. CA-94-3158-AW (D. Md. Nov. 2, 1995). We affirm on the district court's reasoning the grant of summary judgment for Defendant Sewall B. Smith. However, pursuant to Fed. R. Civ. P. 4(m), we modify the district court's order to a dismissal without prejudice of all other Defendants. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED